

Exhibit A

EXHIBIT A – JOINT CLAIM CONSTRUCTION CHART (P.R. 4-5(d))¹

A. U.S. Patent No. 8,589,541

Term No.	Claim Language	Claim Term	Headwater's Proposal	Defendants' Proposal	Court's Construction
1	<u>Claim 1.</u> A non-transitory computer-readable storage medium storing machine-executable instructions that, when executed by one or more processors of a wireless end-user device, cause the one or more processors to: identify a service usage activity of the wireless end-user device, the service usage activity being associated with a first software component of a plurality of software components on the wireless end-user device, the service usage activity comprising one or more prospective or successful communications over a wireless network ; determine whether the service usage activity comprises a background activity; determine at least an aspect of a policy based on a user input obtained through a user interface of the wireless end-user device or based on information from a network element, the policy to be applied if the service usage activity is the background activity, the policy at least for controlling the service usage activity; and if it is determined that the service usage activity is the background activity, apply the policy.	“one or more prospective ... communications [over a wireless network]”	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite.	
2	<u>Claim 1.</u> A non-transitory computer-readable storage medium storing machine-executable instructions that, when executed by one or more	“service usage activity”	No construction necessary; plain and ordinary meaning.	“an activity by the first software component that	

¹ The parties note that the “Claim Language” column herein includes only the language of the independent claim, even though certain disputed claim terms also appear in certain dependent claims. The parties have omitted these dependent claims here for readability because, as one example, the term “service usage activity” appears in over 80 claims of the ’541 patent.

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	processors of a wireless end-user device, cause the one or more processors to: identify a service usage activity of the wireless end-user device, the service usage activity being associated with a first software component of a plurality of software components on the wireless end-user device, the service usage activity comprising one or more prospective or successful communications over a wireless network; determine whether the service usage activity comprises a background activity; determine at least an aspect of a policy based on a user input obtained through a user interface of the wireless end-user device or based on information from a network element, the policy to be applied if the service usage activity is the background activity, the policy at least for controlling the service usage activity ; and if it is determined that the service usage activity is the background activity, apply the policy.			requires usage of a wireless network connection”	
3	<u>Claim 1</u> . A non-transitory computer-readable storage medium storing machine-executable instructions that, when executed by one or more processors of a wireless end-user device, cause the one or more processors to: identify a service usage activity of the wireless end-user device, the service usage activity being associated with a first software component of a plurality of software components on the wireless end-user device, the service usage activity comprising one or more prospective or successful communications over a wireless network; determine whether the service usage activity comprises a background activity ; determine at	“background activity”	Not indefinite; no construction necessary; plain and ordinary meaning.	Indefinite.	

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	least an aspect of a policy based on a user input obtained through a user interface of the wireless end-user device or based on information from a network element, the policy to be applied if the service usage activity is the background activity , the policy at least for controlling the service usage activity; and if it is determined that the service usage activity is the background activity , apply the policy.				

B. U.S. Patent No. 9,198,042

Term No.	Claim Language	Claim Term	Headwater's Proposal	Defendants' Proposal	Court's Construction
4	<u>Claim 1.</u> A method comprising: receiving, over a service control link, a report from a wireless end-user device, the report comprising information about a device service state ; determining, based on the report, that a particular service policy setting of the wireless end-user device needs to be modified, the particular service policy setting being stored in a protected partition of the wireless end-user device, the protected partition configured to deter or prevent unauthorized modifications to the particular service policy setting, the particular service policy setting being associated with a service profile that provides for access by the wireless end-user device to a network data service over a wireless access network, the particular service policy setting configured to assist in controlling one or more communications associated with the wireless	“device service state”	No construction necessary; plain and ordinary meaning.	“information about the current status of the device required to adequately define the actions needed from the service controller to maintain proper device-assisted service (DAS) system operation”	

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	end-user device over the wireless access network; and is in response to determining that the particular service policy setting needs to be modified, sending configuration information to the wireless end-user device over the service control link, the configuration information configured to assist in modifying or allowing modifications to the particular service policy setting.				
5	<u>Claim 1.</u> A method comprising: receiving, over a service control link, a report from a wireless end-user device, the report comprising information about a device service state; determining, based on the report, that a particular service policy setting of the wireless end-user device needs to be modified, the particular service policy setting being stored in a protected partition of the wireless end-user device, the protected partition configured to deter or prevent unauthorized modifications to the particular service policy setting , the particular service policy setting being associated with a service profile that provides for access by the wireless end-user device to a network data service over a wireless access network, the particular service policy setting configured to assist in controlling one or more communications associated with the wireless end-user device over the wireless access network; and is in response to determining that the particular service policy setting needs to be	“service policy setting”	“policy setting for a network data service”	“rule for governing network service usage that can be implemented on the device”	

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	modified, sending configuration information to the wireless end-user device over the service control link, the configuration information configured to assist in modifying or allowing modifications to the particular service policy setting .				
6	<p><u>Claim 1</u>. A method comprising:</p> <p>receiving, over a service control link, a report from a wireless end-user device, the report comprising information about a device service state;</p> <p>determining, based on the report, that a particular service policy setting of the wireless end-user device needs to be modified, the particular service policy setting being stored in a protected partition of the wireless end-user device, the protected partition configured to deter or prevent unauthorized modifications to the particular service policy setting, the particular service policy setting being associated with a service profile that provides for access by the wireless end-user device to a network data service over a wireless access network, the particular service policy setting configured to assist in controlling one or more communications associated with the wireless end-user device over the wireless access network; and</p> <p>is in response to determining that the particular service policy setting needs to be modified, sending configuration information to the wireless end-user device over the service control link, the configuration information configured to assist in modifying or allowing</p>	“protected partition”	No construction necessary; plain and ordinary meaning.	“a secure device assisted service execution environment”	

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	modifications to the particular service policy setting.				

C. U.S. Patent No. 9,215,613

Term No.	Claim Language	Claim Term	Headwater's Proposal	Defendants' Proposal	Court's Construction
7	<p><u>Claim 1.</u> A wireless end-user device, comprising:</p> <ul style="list-style-type: none"> a wireless wide area network (WWAN) modem to communicate data for Internet service activities between the device and at least one WWAN, when configured for and connected to the WWAN; a wireless local area network (WLAN) modem to communicate data for Internet service activities between the device and at least one WLAN, when configured for and connected to the WLAN; a non-transient memory to store <ul style="list-style-type: none"> a differential traffic control policy list distinguishing between a first one or more applications resident on the device and a second one or more applications and/or services resident on the device, and a differential traffic control policy applicable to at least some Internet service activities by or on behalf of the first one or more applications; an interface to allow a user to augment the differential traffic control policy for the first one or more applications but not for the second one or more applications and/or services; and one or more processors configured to 	“differential traffic control policy”	No construction necessary; plain and ordinary meaning.	“rules for controlling network traffic that distinguishes between two or more things”	

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	<p>classify a wireless network to which the device currently connects in order to communicate data for Internet service activities as at least one of a plurality of network types that the device can connect with,</p> <p>classify whether a particular application capable of both</p> <p>interacting with the user in a user interface foreground of the device, and</p> <p>at least some Internet service activities when not interacting with the user in the device user interface foreground,</p> <p>is interacting with the user in the device user interface foreground, and</p> <p>selectively allow or deny one or more Internet service activities by or on behalf of the particular application based on whether or not the particular application is one of the first one or more applications, the differential traffic control policy, including any applicable user augmentation of the differential traffic control policy, and the classifications performed by the one or more processors.</p>				
8	<p><u>Claim 1</u>. A wireless end-user device, comprising:</p> <p>a wireless wide area network (WWAN) modem to communicate data for Internet service activities between the device and at least one WWAN, when configured for and connected to the WWAN;</p> <p>a wireless local area network (WLAN) modem to communicate data for Internet service activities between the device and at</p>	<p>“classify whether a particular application capable of both interacting with the user in a user interface foreground of the device, and at least some Internet service activities when not</p>	<p>Not indefinite; no construction necessary; plain and ordinary meaning.</p>	<p>Indefinite.</p>	

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	<p>least one WLAN, when configured for and connected to the WLAN;</p> <p> a non-transient memory to store</p> <p> a differential traffic control policy list distinguishing between a first one or more applications resident on the device and a second one or more applications and/or services resident on the device, and</p> <p> a differential traffic control policy applicable to at least some Internet service activities by or on behalf of the first one or more applications;</p> <p> an interface to allow a user to augment the differential traffic control policy for the first one or more applications but not for the second one or more applications and/or services; and</p> <p> one or more processors configured to</p> <p> classify a wireless network to which the device currently connects in order to communicate data for Internet service activities as at least one of a plurality of network types that the device can connect with,</p> <p> classify whether a particular application capable of both</p> <p> interacting with the user in a user interface foreground of the device, and</p> <p> at least some Internet service activities when not interacting with the user in the device user interface foreground,</p> <p> is interacting with the user in the device user interface foreground, and</p> <p> selectively allow or deny one or more Internet service activities by or on behalf of the particular application based on whether or not the particular application is one of the first one</p>	<p>interacting with the user in the device user interface foreground, is interacting with the user in the device user interface foreground”</p>			

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	or more applications, the differential traffic control policy , including any applicable user augmentation of the differential traffic control policy , and the classifications performed by the one or more processors.				